

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF JASPER
JUNE 23, 2009**

The Board of Public Works and Safety of the City of Jasper, Indiana, met in regular session on Tuesday, June 23, 2009, in the Council Chambers of City Hall located at 610 Main Street.

CALL TO ORDER

Presiding Officer Mayor William J. Schmitt called the meeting to order at 8:00 a.m.

ROLL CALL

Mayor William J. Schmitt	Present
Board member Thomas R. Schmidt	Present
Board member Ambrose 'Butch' Schitter	Absent

Also present were Police Chief Douglas Tarvin, Assistant Street Commissioner, Jeff Theising, City Engineer Chad Hurm, Building Commissioner David Seger, Fire Chief Kenneth Hochgesang, Personnel/Safety Director Charles Schneider, City Attorney Sandra Hemmerlein, and Clerk-Treasurer Juanita S. Boehm.

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the board members must be present. Two of the three board members were present, which is a majority; therefore, there was a quorum for the meeting.

PLEDGE OF ALLEGIANCE

Mayor Schmitt invited all those present to join him in reciting the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The board members examined the minutes of the regular meeting held on June 9, 2009. A **motion** was made by Thomas Schmidt and seconded by Mayor Schmitt to approve the minutes as presented without corrections. Motion carried 2-0.

VEHICLE QUOTES

Police Chief Douglas Tarvin said he sought quotes for two 2010 police vehicles less the trade in of a 2000 and a 2001 police car. City Attorney Sandra Hemmerlein then opened and read the following sealed quotes:

Ruxer Ford 2010 Ford Crown Victoria Non-collusion affidavit enclosed

\$27,136.00 unit price

- 5,753.00 discounts

\$21,383.00 net unit price

x 2

\$42,766.00 net cost for two units

-2,500.00 trade in PE 64

-2,200.00 trade in PE 67

\$38,066.00 Net selling price for two units less trade ins

Uebelhor & Sons 2010 Chevrolet Impala Non-collusion affidavit enclosed

\$27,360.00 MSRP

-8,572.00 Trade-ins + Discount

\$18,788.00 net unit price

x 2
\$37,576.00 Net price for two units

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to take both quotes under advisement and have the police department review them and report back at the next meeting. Motion carried 2-0.

PERFORMANCE BOND RELEASE-BROOKSTONE ESTATES I

Al Mehringer, representing Kerstiens Development, requested the release of the performance bond for Brookstone Estates I. City Engineer Chad Hurm said the bond for the rest of the improvements was released on March 7, 2006. This is the final release.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to release the subdivision performance bond for Brookstone Estates I developed by Kerstiens Development, Inc. Motion carried 2-0.

PROHIBIT PARKING ON 1ST AVENUE

Scott Ferguson, representing Jasper Rubber Products, 1055 1st Avenue, asked to eliminate an additional 80 ft. of parking space in front of their Plant #2 facility. He showed an aerial photo of the property and said the first letter his company sent to the Board requesting that parking be eliminated in front of their building said from the West drive instead of from the East drive. Ferguson said there is a concern that heavy equipment in that area poses a hazard to cars parked there and parked vehicles impede the line of sight for trucks backing towards the building.

City Attorney Sandra Hemmerlein said in May 2009 the Council adopted an ordinance prohibiting parking on the south side of 1st Avenue east a distance of 415 feet. They would like to change the distance from 415 feet to 687 feet.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the request of Jasper Rubber Products to extend the no parking and make a recommendation to the Council to adopt an ordinance to show No Parking on the South side of 1st Avenue east from Truman Road a distance of 687 feet. Motion carried 2-0.

PARKING SPACES FOR BEER GARDEN TRAILER

Scott Meneilly representing the Jasper Jaycees, asked permission to use three parking spaces on 4th Street between Jackson and Main Streets from Friday, July 24th until Wednesday, August 5th to park a trailer for the Strassenfest beer garden. This is the same request as last year.

A **motion** was made by Thomas Schmidt and seconded by Mayor Schmitt to approve the request of the Jasper Jaycees to park a trailer for the Strassenfest from July 24 to August 5, 2009. Motion carried 2-0.

WEED LETTER ISSUES

Brian and Carla Neukam, 560 Riverside Drive, said they recently received a weed abatement letter from the City. Mr. Neukam asked how the policy works because they have some issues and want to know how to address them.

Mayor Schmitt began by saying the City has an ordinance that says grass is in violation of the ordinance if it grows to a height exceeding nine inches. Neukam said he has a copy of the ordinance and understands what it says. Neukam then asked if someone complains are they taken to the site and walked through the property. Mayor Schmitt said the City gets complaints

in many different forms and we are obligated to check them out. That is what the Code Enforcement Officer does. Homeowners have the responsibility to follow the ordinance and keep their property mowed. If the standards are not met, then there is a process the City has to follow. Schmitt also said he would really like the residents to follow the ordinance and laws of the City so we do not have to enforce them.

Neukam then said his property is located next to State property and if the properties are side by side and the State property is not mowed, should they receive a violation notice also. Neukam showed a picture of the State's property and said he feels it is in worse shape than his property. Mayor Schmitt said the City notifies the State highway department when there are issues. Sometimes they respond and sometimes they do not. This issue is private property vs. public property like right-of-way and easements and they have certain rules and fall under different regulations than private property does. We do not have jurisdiction over State right-of-way like we do over City right-of way.

Thomas Schmidt asked Neukam why he does not keep that part of his property mowed. Neukam said he cannot get a mower onto the property so he uses a sickle and that method takes a long time. Code Enforcement Officer Kenny Hochgesang showed a picture of the property and said mowing it two or three times a year is not sufficient. Hochgesang said the grass continues to grow and the part he has abated continues to grow and could soon be in violation again. City Attorney Sandra Hemmerlein said if the City receives another complaint we have to follow the process. If another letter has to be sent a fine would also be included.

Mayor Schmitt said the City will follow up with the State about mowing its right-of-way and asked Neukam to keep his property mowed and under nine inches. Schmitt asked Hochgesang to go out after the meeting and measure Neukam's grass to let him know where he is at.

ENCROACHMENT REQUEST

City Engineer Chad Hurm said the City received an encroachment request from Kenneth McGlothlin 1493 Field Crest Lane in Windsong Estates. He wants to build a 12 ft. by 16 ft. shed on the southwest corner of the property over a 20 ft. public utility and drainage easement. Hurm read various issues and the recommendations submitted by the department heads during the internal review process. All the utilities and the street department recommended the request not be granted.

A **motion** was made by Thomas Schmidt and seconded by Mayor Schmitt to deny the request of Kenneth McGlothlin to encroach on the public utility and drainage easement. Motion carried 2-0.

50/50 SIDEWALK REPLACEMENT PROGRAM

City Engineer Chad Hurm received a 50/50 sidewalk replacement program request from Andy Welsh to do a project at 332 3rd Avenue in conjunction with the street department's storm sewer repair project. Hurm said the total project cost is \$1,330.00 and Welsh's 50% is \$665.00 which Welsh has agreed to pay.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the 50/50 sidewalk replacement program request from Andy Welsh at the 332 3rd Avenue location and proceed after we receive payment from Mr. Welsh. Motion carried 3-0.

HIGH WEED COMPLAINTS

Fire Chief Kenneth Hochgesang reported to the board the names of property owners and the location that has been cited under 5.12.040 weed removal/notice. The names and locations are as follows:

Owners	Location
Robert & Nichelle Clark	917 Mill Street Enthofen Sub. Lot 1
David Gelencher	PT NW SW 25-1-5-.38A
Kenneth Kaeck	Kundek 2 nd Add PT S½ Lot 20

Hochgesang then reported that in the Deer Creek Subdivision there is a large lot owned by Hubler and he does the same thing as Neukam, he lets the grass grow and never maintains it and the neighbors are complaining. In a lower area of the lot he has planted several trees to let grow up and wants to protect the trees thus the grass gets tall. Hubler lives there and plants solid trees with plans to make that area a woods. He wants to come before the board to get some direction on how he can let the grass grow.

City Attorney Sandra Hemmerlein read the following part of the weed abatement ordinance; The definition of "weeds and rank vegetation" does not include agricultural crops such as hay and pasture or vegetation planted for some useful or ornamental purpose or a natural or developed wooded area or forest which does not create a health or safety hazard. It was agreed that Mr. Hubler's property does not meet the definition of a woods and that the property needs to be maintained. Chief Hochgesang said he will get back with Hubler.

PROBATIONARY FIREFIGHTERS

Fire Chief Kenneth Hochgesang stated the five firefighters that were hired May 27, 2008 have completed the 1st anniversary of their probationary period. He recommended changing the status from Probationary Firefighter to Firefighter for Zachary Lichlyter, Brad Hochgesang, Matthew Allen, Kerry Kinder, and Shane Wagner.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to go along with the Fire Chief's recommendation to change the status from Probationary Firefighter to Firefighter effective May 27, 2009 for Zachary Lichlyter, Brad Hochgesang, Matthew Allen, Kerry Kinder, and Shane Wagner. Motion carried 2-0.

LIEUTENANT APPOINTMENT

Fire Chief Kenneth Hochgesang stated that at the last meeting the Board accepted a retirement letter submitted by Lieutenant David Vinson that will be effective June 30, 2009. Hochgesang said after meeting with Captain Phil Schmidt and Assistant Fire Chief Chris Berg, he recommends changing Adam Vaal's position from firefighter to Lieutenant effective July 1, 2009.

A **motion** was made by Thomas Schmidt and seconded by Mayor Schmitt to approve the recommendation to move Adam Vaal from firefighter to Lieutenant effective July 1, 2009. Motion carried 2-0.

FIRE DEPARTMENT REPORT

Fire Chief Kenneth Hochgesang presented the Jasper Fire Department Vehicle Maintenance Report for April 2009.

POLICE REPORT

Police Chief Douglas Tarvin reported on the recent burglaries in the City and stated that the officers have worked diligently with the assistance of the Tip Line. Three arrests have been made and there may be a fourth.

K-9 COMPENSATION AGREEMENT

Police Chief Douglas Tarvin presented a six months contract extension for K-9 Officer Mike Stallman for caring for the K-9 owned by the City. The agreement is from July to the end of December.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to enter into the K-9 Compensation Agreement for the Jasper Police Department with Chief Tarvin's recommendation to extend the agreement for the K-9 Officer from July 1, 2009 to December 31, 2009. Motion carried 2-0.

2ND AVENUE-VONDERHEIDE LANE HOUSE NUMBERS

Police Chief Douglas Tarvin reported that Council member Ambrose 'Butch' Schitter brought to his attention that Vonderheide Lane located off State Road 164 is not a city street. Emergency personnel recently had a problem finding a house in that area since it sits back off the highway. The houses have a Second Avenue address but are not visible from the street. Tarvin said he met with the City Engineer, Street Commissioner, and City Attorney and they discussed putting reflective signage along Second Avenue so emergency personnel can find the addresses for 1029-A, 1029-B, and 1031.

Building Commissioner David Seger stated that Vonderheide Lane was a city street at one time but about fifteen years ago it was discovered there was no right-of-way for it and certain individuals would not give the right-of-way so it no longer served as a public street. Seger also said the City ordinance that references house numbering says if a residence is more than seventy-five (75) feet from the roadway, then the numbers shall be attached to a fixture near the street.

A **motion** was made by Thomas Schmidt and seconded by Mayor Schmitt to have the Police Chief contact the owners and have them install posts on 2nd Avenue that have their addresses on them which will be at their expense. Motion carried 2-0.

INDIANA FIREWORKS LAWS

Police Chief Douglas Tarvin reported that the Indiana Fireworks Laws have changed since 2006. He further stated that on Memorial Day, the 4th of July, Labor Day, and New Year's Eve fireworks may be discharged from 9:00 a.m. to 12:00 a.m. Any other day of the year, fireworks may be discharged from 9:00 a.m. to 11:00 p.m. Also, fireworks may be discharged only on your property, the property of someone who has granted permission to discharge fireworks, or at special discharge location.

Tarvin said in the past, people discharged fireworks in some of the City's parks and some damage was done to the parks. Tarvin asked if the City wanted to continue allowing individuals to use fireworks on City property. Mayor Schmitt said parks are not a place in which to shoot private fireworks.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt not to allow fireworks to be discharged on City property including City parks. Motion carried 2-0.

Mayor Schmitt asked the police chief to have the officers keep an eye on City parks during the July 4th holiday, as some people may not see the rule change in the paper.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE CONFERENCE

Police Chief Douglas Tarvin said at the last meeting when he asked permission to attend the International Association of Chiefs of Police Conference in Denver, Colorado from October 3 to October 7, 2009, the request was tabled. Tarvin said airfare to Denver, Co. is \$350.00 to \$400.00. Mayor Schmitt said one thing facing us is that money is tight and we need to rethink whether or not to allow out-of-state training.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the request to allow the police chief to attend the seminar in Denver from October 3-7, 2009 with a warning that out-of-state training will be denied in the future. Motion carried 2-0.

Adjournment. Their being no further business to come before the board, a motion was made by Thomas Schmidt and seconded by Mayor Schmitt to adjourn the meeting. The motion carried 2-0 and the meeting adjourned at 9:37 a.m.

The minutes were hereby approved ____ with X without corrections or clarifications this 14th day of July, 2009.

Mayor William J. Schmitt
Presiding Officer

Attest:

Juanita S. Boehm, Clerk-Treasurer

Margaret A. Kress, Recording Secretary